IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 30874 of 2005(A)

PETITIONER:

K.P. SASIDHARAN, FORMER JUNIOR
SUPERINTENDENT, PEERUMEDU GRAMA PANCHAYAT
RESIDING AT KOLLAMAPARAMBIL,
AROOR P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.N.SUGATHAN
SRI.A.V.RAMAKRISHNA PANICKER
SMT.R.SEEMA
SMT.VARSHA BHASKAR

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
VIGILANCE (D) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PANCHAYATS,
DIRECTORATE OF PANCHAYATS,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30874 OF 2005

Dated this the 24th January, 2007.

JUDGMENT

The petitioner was placed under suspension with effect from 22.7.1999 while he was working as Junior Superintendent in the Panchayat department. He was facing criminal proceedings during the period of suspension. The trial court found him guilty and convicted and sentenced him for the offence proved against him. Immediately after the order of conviction and sentence, he was dismissed from service as per order passed on 21.4.2002. However, the criminal appeal filed by him was allowed setting aside the order of conviction and sentence. On the strength of the appellate order he filed a representation to the second respondent to reinstate him in service with all attendant benefits. Since no order was passed, he has sought for directions from this Court to reinstate him in service. As per the orders passed by this Court, the petitioner was reinstated in service vide Ext.P4 order dated 12.12.2005. Immediately thereafter, i.e on 14.12.2005, the petitioner rejoined duty. He continued in service and got promotion to the post of Special Grade Secretary and superannuated on 31.12.2006. The second respondent has not regularised the period of suspension or the period between the order of

dismissal and his reporting for duty on reinstatement. In the above circumstances, Ext.P5 representation has been filed by the petitioner before the second respondent. Counsel for the petitioner submits that the second respondent has got a duty to consider and pass orders on Ext.P5.

2. I have heard the Govt. Pleader for the respondents. It is submitted that orders will be passed on Ext.P5 without delay. In the circumstances, the writ petition is disposed of directing the second respondent to consider Ext.P5, pass orders regularising the period of suspension from 22.7.1999 to 20.4.2002 as also the period during which the petitioner was out of service consequent on the order of dismissal from 21.4.2002 till 14.12.2005. Appropriate orders shall be passed in accordance with law within six weeks from the date of receipt of a copy of the judgment.

K.K.DENESAN
Judge

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